



**Powys Local Development Plan  
Topic Paper  
Minerals**

**DEPOSIT VERSION PAPER**

**March 2015**



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## **Executive Summary**

The planning system regulates the development and use of land in the public interest. It addresses both the need for development and for conservation, securing economy, efficiency and amenity in the use of land and thereby contributing to sustainable development.

Powys County Council is the Minerals Planning Authority for Powys excluding the Brecon Beacons & Snowdonia National Parks.

Minerals Planning Policy Wales and Minerals Technical Advice Notes set the National Assembly's policy and advice for the way in which it considers that Minerals resources should be planned for across Wales.

Importantly for Powys:

There is a regional approach to planning for aggregates. There are two Regional Aggregates Working Parties, one north and one south. Powys County Council is represented on the South Wales Regional Aggregates Working Party and has endorsed the first Review of the Regional Technical Statement in 2014 Regional, which provides the detailed regional context for aggregates planning in accordance with Minerals Technical Advice Note1 Aggregates 2004.

The Powys Local Development Plan accords with the recommendations of the Regional Technical Statement review and to provides the policy context for aggregates development in the LDP.

Technical Advice Note 2: Coal sets out the National Assembly's advice on how Coal resources should be planned for across Wales.

## 1. Introduction

1.1 Powys County Council is the Minerals Planning Authority for Powys excluding the Brecon Beacons & Snowdonia National Parks. The term 'Mineral Planning Authority' (MPA) is given to any authority with responsibility for planning control over mineral workings.

1.2 Mineral working is different to other forms of development in that, amongst other things, extraction of a mineral can only take place where it is found to occur. Mineral workings are transitional and cannot be regarded as permanent land-use, even though operations may take place over a long period of time (expanded on in para 5 of MPPW) and the evidence of development is more permanent in character.

1.3 Minerals are defined in section 336 of the 1990 Town and Country Planning Act as including "all (substances) of a kind ordinarily worked for removal by underground or surface working, except that it does not include peat cut for purposes other than sale." The range is thus very wide and includes low grade, low value material that may be extracted in an ad hoc way as well as that extracted from recognised mines and quarries.

1.4 The Planning Authority has the very difficult task of planning for mineral developments; the arguments are often conflicting with the key issues being to ensure that: minerals supply are adequate, the economy of the County is best served and that any environmental and amenity consequences of minerals development are minimised.

1.5 The LDP will attempt to provide a policy framework within which those difficult decisions can be made. The principles enshrined in "sustainable development" are no less relevant to minerals issues than to any other development.

1.6 Wherever possible the Council will strive to ensure that minerals are used efficiently and for their most appropriate purpose, although this is generally seen as a matter for market forces. It is also important that valuable mineral resources are not sterilised in order that future generations have choices as to whether or not to exploit them.

1.7 This paper is one of a series of topic papers being prepared by Powys County Council as part of its preparation of the Powys Local Development Plan. Topic papers are inter-related and together form the strategic overview of issues to be addressed in the Local Development Plan.

1.8 This topic papers seeks to:

- Provide a summary of the policies and strategies at European, National, Regional and local levels of relevance to Minerals development in Powys.
- Identify change drivers that have the potential to change the current context for minerals planning in the area.
- Identify key areas arising from the contextual documents that the Local Development Plan should address.

## 2. Summary of the policies and strategies at European, National, Regional and local level of relevance to Minerals development in Powys.

2.1 Table 1 below contains a list of the key European, UK, Welsh, Regional and Local Level contextual documents and research of relevance to Minerals development in Powys.

**Table 1 – Contextual documents**

<b>Relevant document</b>
<b>UK national government</b>
<a href="#"><u>Town &amp; Country Planning Act 1990 (as amended)</u></a>
<a href="#"><u>Planning &amp; Compulsory Purchase Act 2004</u></a>
<a href="#"><u>Revised Draft Overarching National Policy Statement for Energy 2010</u></a>
<a href="#"><u>Research - Aggregates Levy Sustainability Fund</u></a>
<b>Welsh Assembly Government</b>
<a href="#"><u>The Wales Spatial Plan: People, Places, Futures (2004).</u></a>
<a href="#"><u>The Wales Spatial Plan – 2008 Update: People, Places, Futures.</u></a>
<a href="#"><u>Minerals Planning Policy Wales 2000</u></a>
<a href="#"><u>Ministerial Interim Minerals Planning Policy Statement (MIMPPS) 01/2009 – on Health Impact Assessment for Opencast Coal Sites</u></a>
<a href="#"><u>Minerals Technical Advice Note 1 Aggregates 2004</u></a>
<a href="#"><u>Minerals Technical Advice Note 2 Coal 2009</u></a>
<a href="#"><u>Minerals Map for Wales 2010</u></a>
<a href="#"><u>Interim Marine Aggregates Dredging Policy 2004</u></a>
<a href="#"><u>Minerals Planning Guidance Notes – Parts remain relevant</u></a>
<a href="#"><u>Sand and Gravel Supply for South East Wales - Position Statement</u></a>
<a href="#"><u>Technical Advice Note 6: Planning for Sustainable Rural Communities (July 2010)</u></a>
<a href="#"><u>Towards Zero Waste - One Wales One Planet, 2010</u></a>
<a href="#"><u>One Wales: One Planet, a new Sustainable Development Scheme for Wales 2009</u></a>
<b><a href="#"><u>South Wales Regional Aggregates Working Party</u></a></b>

[Regional Technical Statement 2008](#)

[Regional Technical Statement First Review 2014](#)

[Regional Aggregates Working Party Annual Reports](#)

### **Planning Officers Society for Wales**

Model conditions for minerals and waste sites. 2010

### **Regionally Important Geological and Geomorphology Sites**

[UK RIGS Development Strategy 2006 – 2010](#)

[The Central Wales RIGS group](#)

### **Powys County Council**

[One Powys Plan 2014](#)

[Powys Regeneration Strategy 2011](#)

[Powys Regeneration Strategy Action Plan 2015](#)

### **Cross border organisations whose plans are important.**

[North Wales Regional Aggregates Working Party](#)

[West Midlands Regional Assembly](#)

[Brecon Beacons National Park](#)

### **Assessment Requirements**

[SEA Regulations](#)

[Habitats Regulations](#)

[Sustainability Appraisal](#)

## **2.2 Summary of issues arising from the contextual documents**

2.3 There is no overriding European Policy for minerals planning, however various Directives and conventions that have subsequently been enacted into UK legislation have impacted directly on the UK minerals planning system or indirectly through their effect on the aggregates industry.

2.4 In turn, both European and UK legislation have been (and continue to be) influenced by global treaties. For the purposes of this Topic paper it is not intended to cover any Directive or requirement that has been considered and incorporated into a higher level plan, the most important of which is Mineral Planning Policy Wales.

2.5 The Local Development Plan is subject to [The Environmental Assessment of Plans and Programmes \(Wales\) Regulations 2004](#) and [The Conservation of Habitats and Species Regulations 2010](#). To comply with the Regulations assessments must be undertaken which will ensure that full consideration is given to environmental considerations when decisions are taken on the content of the plan.

**2.6 The Planning & Compulsory Purchase Act 2004** is the principle act requiring the preparation of a Local Development Plan which contributes to the achievement of Sustainable Development and outlines their objectives in relation to the use and development of land in their area and their general policies for the implementation of those objectives. It also states that a sustainability appraisal of the plan must be undertaken.

2.7 The Planning and Compulsory Purchase Act 2004 states that local planning authorities, in preparing a local development plan (LDP), must have regard to the Wales Spatial Plan (WSP). Indeed having regard to the Wales Spatial Plan is one of the [tests of soundness](#) investigated at the examination of a LDP.

**2.8 The Wales Spatial Plan: People, Places, Futures (2004)** provides a basis for considering and agreeing Welsh Assembly Government investment, both capital and revenue. Its vision is:

“We will sustain our communities by tackling the challenges presented by population and economic change; we will grow in ways which will increase our competitiveness while spreading prosperity to less well-off areas and reducing negative environmental impacts; we will enhance our natural and built environment for its own sake and for what it contributes to our well-being, and we will sustain our distinctive identity.”

2.9 The Wales Spatial Plan is structured according to five guiding themes:

- Building Sustainable Communities,
- Promoting a Sustainable Economy,
- Valuing our Environment,
- Achieving Sustainable Accessibility, and;
- Respecting Distinctiveness.

2.10 The Wales Spatial Plan has six regions. The majority of Powys is in the ‘Central Wales Spatial Plan Area’, Ystradgynlais is in the ‘Swansea Bay – Waterfront and Western Valleys Spatial Plan Area’.

2.11 Each region has a strategy identifying a vision, propositions and actions. The Central Wales Spatial Plan Area vision is:

“High-quality living and working in smaller-scale settlements set within a superb environment, providing dynamic models of rural sustainable development, moving all sectors to higher value-added activities”.

2.12 The Swansea Bay – Waterfront and Western Valleys Spatial Plan Area Vision is:

“An area of planned sustainable growth and environmental improvement, realising its potential, supported by integrated transport within the area and externally and spreading prosperity to support the revitalisation of West Wales”.

**2.13 The Wales Spatial Plan Update 2008** reviewed the Wales Spatial Plan progress and set challenges until 2013, presenting strategies for each of the six Wales Spatial Plan Areas under the five guiding themes reflecting new ‘drivers of change’ and the key issues and challenges facing Wales.

2.14 The challenges of most relevance to the Minerals topic are listed below:

**Building Sustainable Communities** - the quarrying industry, the manufacture of some of the related “downstream” products and their distribution, provide vital and longstanding sources of employment.

**Promoting a sustainable economy** - the quarrying industry produces essential raw materials to underpin the construction industry, which is fundamental to development and prosperity. There is however a balance to be struck between ensuring there are sufficient aggregates reserves with planning to provide the minerals required by society on the one hand and avoiding over provision with its potential to undermine the efficient conservation of primary aggregates resources on the other. Maximising the use of secondary aggregates, the re-use and recycling of construction, demolition and excavation materials, and the minimisation of minerals waste all have an important role to play in contributing to the sustainability of the aggregates industry.

**Valuing our Environment** - A continuous supply of relevant materials is required to conserve, maintain and enhance the vernacular built environment. Proximity to an aggregate supply can reduce the environmental effects of transporting minerals over longer distances. Quarrying can significantly impact on the environment. However, the quarrying industry has made significant strides in improving environmental and operational standards, and well-designed restoration schemes can also improve landscapes, provide leisure space and/or enhance bio/geo conservation. In some instances, environmental constraints may limit, or preclude quarrying altogether, particularly where less environmentally intrusive options are available.

**Achieving Sustainable Accessibility** - Minerals can only be extracted where they occur. Transport (and hence energy) costs represent a significant proportion of the delivered costs of aggregates. The proximity principle is fundamental to sustainable accessibility; as is the protection of mineral resources from sterilisation through safeguarding. Sustainable transport is a major component of sustainable accessibility. The WAG promotes the use of water and/or rail transport for the movement of aggregates.

**Respecting Distinctiveness** - this is embodied in the sense of place. A contributing factor is the use of vernacular building materials and particularly stone. Traditionally

most stone was sourced locally, thus local geology has always directly influenced the fabric and appearance of the local vernacular.

2.15 One of the key priorities identified in the 2008 update for the Central Wales area is ‘Achieving sustainable use of our resources, including waste, water, soils, minerals, aggregates and land for food production’.

2.16 Mineral Policies in the LDP must also accord with the core and supporting principles of the Assembly’s sustainable development scheme ‘**One Wales: One Planet**’ (2009) as appropriate. These are set out in Table 2 below:

**Table 2.** Core and supporting principles of the Assembly’s sustainable development scheme, One Wales: One Planet.

Core principle 1: Involvement	People and communities are at the heart of sustainable development, so we will be inclusive in our involvement of all our stakeholders in the development of our policies and programmes, and the identification of solutions that meet their needs, promoting innovation in the way that we deliver services.
Core principle 2: Integration	Only an approach that makes the connections between, and effectively integrates economic, social and environmental challenges, will achieve sustainable development.
Supporting principle 1: Reducing Wales’ Ecological Footprint	All of our policies will show how we will reduce Wales’ Ecological Footprint to work towards our vision, initially through showing how we will reduce our greenhouse gas emissions by 3% a year, year-on-year by 2011 in those areas where we have devolved competence, and move towards a zero-waste society.
Supporting principle 2	Full costs and benefits - we will identify and take account of the full range of costs and benefits, including those over the long-term, those not measured in monetary terms (such as environmental costs and benefits), and those costs that are global as well as local in our policy making. We will promote whole system thinking, taking account of risks - especially to the economic, social and environmental wellbeing of communities - and uncertainties associated with action and inaction.
Supporting principle 3	Precautionary principle - we will use an evidence-based approach to decision-making but, where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.
Supporting principle 4	Polluter pays principle - we will ensure that social and environmental costs of development fall on those who impose them.
Supporting principle 5	Proximity principle - we will solve problems, especially in managing waste and pollution locally, rather than passing

	them onto other places or to future generations.
Supporting principle 6	Reflecting distinctiveness - our approach to sustainable development will reflect and respond to the particular needs and issues of communities, and the differing economic, social and environmental circumstances in different parts of Wales, as outlined in the Wales Spatial Plan update.

**2.17 Towards Zero Waste - One Wales One Planet, 2010** is the Assembly's overarching waste strategy document for Wales. Launched in June 2010, it forms part of a suite of documents that together comprise the national waste management plan for Wales. It sets out a long term framework for resource efficiency and waste management upto 2050 and outlines the actions we must all take if we are to reach the Assembly's ambition of becoming a high recycling nation by 2025 and a zero waste, one planet nation by 2050.

2.18 The Strategy is relevant to minerals planning because it stresses the importance of using resources more efficiently through waste prevention and high re-use and recycling rates, promoting the re-use of Construction and Demolition Waste and the use of secondary aggregates in preference to primary aggregates, in order to protect primary resources. The Strategy will be implemented through the development of Sector plans. These will be developed on a priority basis with 'Construction and Demolition' amongst the first to be produced.

**2.19 The 2010 Environmental Permitting Regulations** replace the 2007 regulations, extending the range of activities that require an environmental permit. The Regulations standardise environmental permitting and compliance in England and Wales in order to protect human health and the environment. The regulations affect all regulated facilities that are installations, including mobile plant, waste operations (including mining waste operations), radioactive substances activities, water discharge and groundwater activities.

2.20 Crucially, almost all the requirements of the Mining Waste Directive have been transposed through the Environmental Permitting Regulations, with the Environment Agency as the competent authority. This is significant, because consideration had been given to implementing the Directive through the Town and Country Planning System, which would have significantly extended the responsibilities of Mineral Planning Authorities.

**2.21 Minerals Planning Policy Wales (MPPW) 2000** is the key overarching document that needs to be considered in the formulation of the Local Development Plan's minerals policies. It sets out the land use planning policy guidance of the National Assembly for Wales in relation to mineral extraction and related development in Wales.

2.22 MPPW is amended by Ministerial Interim Minerals Planning Policy Statement (MIMPPS) 01/2009 – on Health Impact Assessment for Opencast Coal Sites which provides a replacement paragraph 63 and additional paragraph 63a.

2.23 Minerals Planning Policy Wales has the overriding objective of providing a sustainable pattern of mineral extraction by adhering to five key principles:

1. To provide mineral resources to meet society's needs and to safeguard resources from sterilisation;
2. To protect areas of importance to natural or built heritage;
3. To limit the environmental impact of mineral extraction;
4. To achieve high standard restoration and beneficial after-use; and
5. To encourage efficient and appropriate use of minerals and the re-use and recycling of suitable materials.

2.24 The following paragraphs explain the approach of MPPW in a little more detail with regards to each of the five key principles above.

2.25 Key principle 1: To provide mineral resources to meet society's needs and to safeguard resources from sterilisation:

- 'Safeguarding' mineral deposits that society may need from sterilisation by other development';
- Identifying 'Areas for Future Working', where this can be undertaken in a sustainable way;
- Maintaining 'Landbanks' (a stock of planning permissions) to ensure continuity of production in spite of fluctuations in demand.

2.26 The Assembly Government has commissioned the British Geological Survey (BGS) to:

- a) Depict the location and extent of mineral resources throughout Wales with long-term commercial potential through production of a comprehensive, [National Minerals Resource Map\(s\) of Wales](#), and
- b) Refine this and produce of an [aggregates safeguarding map of Wales](#).

2.27 Further Paragraph 86 of MPPW states that Mineral Planning Authorities should consult British Geological Survey where necessary and make provision in their plans to safeguard metalliferous resources.

2.28 Key principle 2: To protect areas of importance to natural or built heritage. The policy identifies the specific and separate policy requirements in relation to minerals development respecting:

- (i) National Parks and Areas of Outstanding Natural Beauty.
- (ii) Special Protection Areas, Special Areas of Conservation and Ramsar sites.
- (iii) Sites of Special Scientific Interest and National Nature Reserves.
- (iv) Other environmentally important areas.
- (v) Surface and groundwater Resources.
- (vi) Historic Buildings and Landscapes, Ancient Monuments and Other Cultural Interests.
- (vii) Agricultural land.

2.29 Key principle 3: To limit the environmental impact of mineral extraction. The policy explains the consideration of Environmental issues and the amenity of nearby residents (touches on planning conditions):

- Environmental Impact Statements.
- Buffer Zones (more detailed advice in MTAN1).

- Extensions.
- Transport, and
- Environmental Management.

2.30 Key principle 4: To achieve high standard restoration and beneficial after-use. The policy sets out the expectations for restoration, aftercare and for after-use and circumstances in which it is reasonable to seek financial guarantees ensuring that a site is properly restored in a reasonable period of time.

2.31 Key principle 5: To encourage efficient and appropriate use of minerals and the re-use and recycling of suitable materials. The policy highlights that collaboration between authorities and a regional approach is often the only sensible way to determine where mineral extraction will have the least environmental impact and ensure the integration of transport options.

2.32 MPPW does not cover the marine environment (please see below). Aggregate extraction from the marine environment is covered under the Welsh Assembly Government's 'Interim Marine Aggregates Dredging Policy, November 2004 (Bristol Channel and Severn Estuary).'

2.33 The Assembly's **Interim Marine Aggregates Dredging Policy, 2004** sets its strategy for dealing with applications for marine aggregates dredging licenses within the Bristol Channel, Severn Estuary and those parts of the River Severn that fall within Welsh Waters. The strategy provides for the continued use of marine dredged sand and gravel for the foreseeable future, but only where this remains consistent with the principles of sustainable development.

2.34 This document has an indirect influence on Powys' position and landbanks because the long-term availability of marine aggregates cannot be guaranteed. This re-enforces the need to safeguard sand and gravel resources, and could influence future output levels from land-won sources in Wales including, indirectly, sites in Powys.

2.35 MPPW is supplemented by a series of topic based Minerals Technical Advice Notes (MTANs). MTAN1 considers Aggregates and MTAN2 considers Coal.

**2.36 Minerals Technical Advice Note 1 Aggregates 2004 (MTAN1)** provides advice on delivering the Assembly's policy for aggregates extraction and should be read in conjunction with Minerals Planning Policy Wales.

2.37 The overarching objective in planning for aggregates provision is to ensure supply is managed in a sustainable way so that the best balance between environmental, economic and social considerations is struck, while making sure that the environmental and amenity impacts of any necessary extraction are kept to a level that avoids causing demonstrable harm to interests of acknowledged importance.

2.38 Guidance and advice in MTAN1 follows from MPPW and sets out specific objectives and advice for meeting each of the Assembly's 'Key Principles of

Sustainable Mineral Development'. These are of key importance for the preparation of the Local Development Plan and are as follows:

2.39 Key principle 1: To provide mineral resources to meet society's needs and to safeguard resources from sterilisation. This is achieved by:

- maximising the use of secondary and recycled materials and mineral waste where practicable;
- ensuring planning permissions for future primary aggregates are essential and properly planned for in accord with the Regional Technical Statement;
- eliminating over the next five years (i.e. from 2004) any likelihood of future primary aggregate extraction at historically obsolete and long dormant sites.

2.40 The advice indicates (paragraph 49) that a minimum 10-year landbank of crushed rock and minimum 7 year landbank for sand and gravel should be maintained during the entire plan period. The Powys Local Development Plan has a life span until 2026. This means that the plan should ensure a hard rock landbank until the year 2036 (25 years from 2011) and a sand and gravel landbank until 2033 (22 years from 2011).

2.41 MTAN1 Paragraph 49 also indicates that where landbanks amount to more than 20 years of aggregate extraction, new allocations in development plans will not be necessary, and thought should be given to whether there is justification for further extensions or new extraction in the plan period (i.e. rare and exceptional circumstances).

2.42 The Council will therefore need to justify any provision that it wishes to make in the Powys Local Development Plan allowing for further extensions or new extraction on the grounds of rare and exceptional circumstances.

2.43 Paragraph 50 of MTAN1 recognises that aggregate resources are not evenly distributed across Wales and that it is unlikely to be possible or desirable to maintain an adequate landbank in every mineral planning authority. The Regional Technical Statements prepared by Regional Aggregates Working Parties and reviewed every five years contain recommendations for minerals planning authorities. The Technical Advice Note advises that these recommendations should be addressed by the Local Development Plan.

2.44 Key principle 2: To protect areas of importance to natural or built heritage. The advice states the need to prevent unacceptable aggregates extraction from areas of acknowledged landscape, cultural, nature and geological conservation and hydrological importance including:

- National; Parks and Areas of Outstanding Natural Beauty (ANOBs)
- Natura 2000 sites: Special Protection Areas (SPAs), Special Areas of Conservation (SACs) and Ramsar Wetland Sites of International Importance
- Sites of Special Scientific Interest (SSSIs)
- European Protected Species
- Historic Environment
- Surface & Groundwater Resources

2.45 Importantly for Powys the advice to protect National Parks and Areas of Outstanding Natural Beauty (AONBs) from the negative impacts from extraction means that other areas should make up the regional contribution on behalf of the National Parks and AONBs. The arrangements should be recorded in the Regional Technical Statement (RTS).

2.46 Key principle 3: To limit the environmental impact of mineral extraction. The advice indicates that Development plans should identify the boundary of buffer zones, and that minimum distances to be adopted 'unless there are clear and justifiable reasons for reducing the distance: 100m for sand and gravel sites, and 200m for hard rock quarries (taken from the outer edge of the area where extraction and processing will take place and including any site haul roads)'.

2.47 Advice is also provided on a range of detailed issues of relevance to the preparation of the Local Development Plan including noise, blasting, visual impact and site management (including environmental audits & community liaison).

2.48 In relation to dust MTAN1 refers to the Assembly's commitment to develop the use of Health Impact Assessment in Wales. Accordingly MTAN1 requires that a Health Impact Assessment should be carried out for any proposal for a new quarry or sand and gravel pit located within one kilometre of an existing community.

2.49 The advice encourages MPAs (or operators) to set up community liaison groups and expects all existing and future quarry operators carry out regular environmental audits and to submit these to MPAs.

2.50 The advice also suggests that a summary of the monitoring of mineral working sites undertaken by the MPA and the environmental audits received together with any related action taken should be included in the future development plan Annual Monitoring Report submitted to the Assembly.

2.51 Key principle 4: To achieve high standard restoration and beneficial after-use. The advice emphasises ensuring that the restoration, aftercare and afteruse are considered from the outset and that the incorporation of progressive restoration should be integral to the working methodology of the development.

2.52 Key principle 5: To encourage efficient and appropriate use of minerals and the re-use and recycling of suitable materials. The advice suggests that the Local Development Plan should facilitate Construction and Demolition Waste recycling centres.

2.53 The advice suggests that applications for new aggregates quarries or any major extensions to existing quarries should be carefully assessed to ensure that the potential supply of non-primary sources has been fully considered and that the need could not be met at lower environmental cost by the use of secondary or recycled material.

2.54 It is recognised that in most cases minerals will be a subject for collaboration between authorities and that a regional approach is often the only sensible way to determine where mineral extraction will have the least environmental impact and

ensure the integration of transport options. This again emphasises the importance of the Regional Technical Statement to the preparation of the Local Development Plan.

2.55 Minerals Technical Advice Note 2 Coal 2009 (MTAN 2) sets out sets out the Assembly's detailed advice on the mechanisms for delivering its policy for coal extraction through surface and underground working by mineral planning authorities (MPAs) and the coal mining industry. In general it sets out how impacts should be assessed and what mitigation measures should be adopted, and seeks to identify the environmental and social costs of coal operations so that they are properly met by the operator.

2.56 The advice note uses the term "coal working" which reflects the broader usage of "mineral working" as development consisting of the winning and working of minerals, and includes surface coal working, recovery of coal from tips and underground coal working unless otherwise stated.

2.57 Responsible stewardship of natural resources and the environment requires coal working to respect ecological limits and to protect critical natural capital. In considering the effects of coal extraction, the advice states that MPAs should take into account the level of activity that a particular locality and its community can sustain, as well as the potential benefits from coal working. The effects include potential impacts on people and the environment. Potential benefits include job opportunities, the value to the economy, land stabilisation and the scope for landscape and amenity improvements.

2.58 The future use of coal in Wales is set in the context of the requirement to reduce carbon emissions. Carbon dioxide is produced in the combustion of coal for energy generation and in coal transport, and methane is released by its excavation. The UK is committed to a cut in greenhouse gas emissions of 80% below 1990 levels by 2050. Applications for coal working should include proposals to reduce carbon emissions from the extraction and transport of coal.

2.59 MTAN2 sets out specific objectives and advice for meeting each of the Assembly's 'Key Principles of Sustainable Mineral Development'. These are of key importance for the preparation of the Local Development Plan and are as follows:

2.60 Key Principle 1: To provide mineral resources to meet society's needs and to safeguard resources from sterilisation. The advice suggests that this can be achieved by setting a strategy for the sustainable management of the Coal Resource in Local Development Plans. For certainty, areas to be safeguarded should be shown on the Proposals map (Paragraph 22). Safeguarded areas should have buffer zones of 500m.

2.61 The advice explains that the County Council must provide as much guidance as possible over where it is likely to be environmentally acceptable for coal extraction to take place and on criteria against which proposals will be assessed.

2.62 Key Principle 2: To protect areas of importance to natural or built heritage. The advice explains that the Local Development Plan should direct coal working away from sensitive locations ensuring that any environmental or community impacts

can be mitigated. For certainty, areas where coal should not be worked should be shown on the Proposals map (Paragraph 22) and these should be justified (Paragraph 26). These could include areas where development could impact on the setting of an area of importance.

2.63 The Assembly's advice is that generally, coal working will not be acceptable within 500m of settlements (British Geological Survey define this as 10 properties), or within International and National designations of environmental and cultural importance. The advice details the designations that should be given consideration.

2.64 Key Principle 3: To limit the environmental impact of mineral extraction. The advice suggests that any environmental or community impacts of working can be mitigated. For certainty, buffer zones of 500m should be shown on proposals maps around existing and proposed coal working sites. In exceptional circumstances working may be acceptable within the 500m buffer zone; however this would need to be fully justified at the development control stage.

2.65 The Assembly's advice is that the MPA should set out a general policy ensuring that the potential environmental, amenity and health impacts from Coal operations are kept within acceptable limits. Detailed policies may be included in Supplementary Planning Guidance or in the Local Development Plan.

2.66 The advice highlights the concepts of 'Best available techniques,' Environment Management Systems', Monitoring, Environmental impact assessment (including health and social impacts), Dust, Blasting, Noise, Visual impact, Stability, Transport, Water and Mine gas. Additionally, for underground working proposals the issues of waste and surface developments are highlighted. MPPW introduces an option whereby community benefits may go some way to redressing any impacts from a development.

2.67 The Planning Officers Society for Wales Minerals and Waste Group, 2012 prepared a set of [model conditions](#) for Minerals and Waste planning applications. These may be adopted as Supplementary Planning Guidance to inform those dealing with planning applications an indication of model conditions that will help to limit the environmental impact of mineral extraction.

2.68 Key Principle 4: To achieve high standard restoration and beneficial after-use. The assembly's advice is that the LDP or Supplementary Planning Guidance should also provide guidance on the restoration and after uses that are likely to be acceptable in the local context. It is important that soils are protected throughout the development and are utilised in the restoration and after use scheme.

2.69. Key Principle 5: To encourage efficient and appropriate use of minerals and the re-use and recycling of suitable materials. Coal is a non-renewable primary resource. The Assembly's advice on Energy Policy and Coal Supply is set out in paragraphs 11 – 14 of MTAN 2. In short Coal remains part of the nation's energy mix as described in the revised draft Overarching National Policy Statement for energy 2010.

**2.70 Minerals Planning Guidance Notes** - Prior to the production of MPPW in December 2000, mineral policy and guidance affecting Wales was set out in a series of Minerals Planning Guidance Notes (MPGs) covering both England and Wales. MPPW and subsequent MTANs have cancelled those parts of MPGs in Wales that primarily deal with policy and guidance and retained those parts primarily providing technical information and advice.

2.71 The following MPGs/parts of MPGs remain in force in Wales, alongside MPPW and MTANs until superseded by relevant MTANs at a future date:

- MPG2: Applications, Permissions and Conditions (1998) (apart from paragraphs 7 –10 which have been cancelled by MPPW)
- MPG3: Coal Mining and Colliery Spoil Disposal (1994) - the Annexes only (rest cancelled by MPPW)
- MPG4: Revocation, modification, discontinuance, prohibition and suspension orders (1997)
- MPG5: Stability in Surface Mineral Workings and Tips (2000)
- MPG8: Planning and Compensation Act 1991 – Interim Development Order Permissions IDOs): Statutory Provisions and Procedures
- MPG9: Planning and Compensation Act 1991 – Interim Development Order Permissions IDOs): Conditions (1992)
- MPG10: Provision of Raw Material for the Cement Industry (1991) (except paragraphs 22-31 and 38-63, which have been superseded by MPPW)
- MPG11: The Control of Noise at Surface Mineral Workings (1993) (except paragraphs 31- 42, which are superseded by MTAN1)
- MPG12: Treatment of Disused Mine Openings and Availability of information on Mined Ground (1994)
- MPG14: Mineral Planning Guidance 14: Environment Act 1995 – Review of Mineral Planning permissions

**2.72 Technical Advice Note 6: Planning for Sustainable Rural Communities**

**(July 2010)** provides guidance on how the planning system can contribute to sustainable rural economies. It details the role of Planning Authorities in supporting the delivery of sustainable rural communities and a strong rural economy. It is of relevance to the Minerals Topic Paper as it helps to set the strategic priorities for rural economies, of which the minerals industry is part, and should be taken into account when taking decisions. Local Planning Authorities should:

- Facilitate through their development plans, the diversification of the rural economy by accommodating the needs of both traditional rural industries and new enterprises, whilst minimising impacts on the local community and the environment.
- Promote the expansion of established businesses by setting out in the development plan the criteria against which planning applications for employment uses will be assessed. This should include supporting the expansion of businesses that are currently located in the open countryside provided there are no unacceptable impacts on local amenity.

**2.73 Regional planning context (relating to Aggregates only).**

2.74 There is a considerable degree of variation in the geological formations that outcrop across Wales and therefore there is an inequity in the distribution of crushed rock aggregate resources amongst the different counties.

2.75 This leads to differing pressures on each County to produce aggregates to meet demand on the one hand and to constrain aggregates production to protect the environment on the other.

2.76 Similarly both the occurrence of sand and gravel deposits, and the access to marine sourced sand and gravel is different from County to County. Areas of surplus need to be able to make up for shortfalls in areas of deficit, but individual authorities with surplus resources may understandably be reluctant to bear the environmental costs of accommodating a disproportionate share of mineral extraction.

2.77 This is why it is so important that there is a strategic approach to the sustainable supply of aggregate minerals that sits above the level of local authority decision-making. This role falls to the North and South Wales Regional Aggregates Working Parties (NW & SWRAWP). These consider the cross boundary and regional implications of minerals planning.

2.78 The Regional Aggregate Working Parties (RAWPs) were established in the mid 1970s following the recommendations of the Verney Committee and still play a pivotal role in aggregates planning today.

2.79 Each RAWP is chaired by a County Planning Officer or the equivalent, and draws members from the Mineral Planning Authorities (MPAs), the aggregates industry (by representation from the trade federations, namely the Quarry Products Association (QPA), the British Aggregates Association (BAA) and the National Federation of Demolition Contractors) and (in Wales) officials of the Welsh Assembly Government.

2.80 The RAWPs are technical working groups that provide information and advice to the Department of Community and Local Government in England and to the First Secretary of the Welsh Assembly Government in Wales on the supply of and the demand for, aggregate minerals. A National Co-ordinating Group (NCG) guides the work of the RAWPs in England and Wales.

2.81 The role of the RAWPs includes:

- The assessment of the resources of sand, gravel and hard rock;
- The assessment of the demand for aggregates;
- Indicating whether there is likely to be a regional surplus of aggregates production or a shortfall in supply without further planning permissions being granted;
- Considering the potential contribution which synthetic and secondary and recycled materials could make to meeting the demand for aggregates;
- Considering, where applicable, the contribution which the region could make to meeting demand arising in other parts of the country, taking into account environmental and agricultural considerations; and
- Monitoring the supply and demand for aggregates.

2.82 Since devolution, the Assembly has placed an increased emphasis on the use of alternative (secondary and recycled) materials, and on achieving a more sustainable pattern of aggregates supply based on the concept of 'environmental capacity' of source areas to produce aggregates with minimal environmental impacts. To achieve this, the role of the RAWPs was expanded to include the provision of additional assessments, monitoring reports and five-yearly Regional Technical Statements.

2.83 Wales is divided into two RAWP areas (north and south). Powys is represented on the South Wales Regional Aggregates Working Party and has endorsed the Regional Technical Statement 2008 and its First Review 2014 which provides the detailed regional context for aggregates planning in the region.

2.84 The Regional Technical Statement makes recommendations covering each constituent Mineral Planning Authority, and set an allocation figure for the level of future primary aggregate provision expected of each County. This provides a strategic basis for the sustainable provision of aggregates in the region.

2.85 The Powys Local Development Plan will take forward the recommendations of the Regional Technical Statement and to provide the policy context for aggregates development in the planning area. The Local Development Plan's planning period is 2011 – 2026.

**2.86 The South Wales Regional Aggregates Working Party (SWRAWP) Regional Technical Statement (RTS) October 2008** sought to achieve a more sustainable approach to the provision of aggregates. Its primary aim is to provide a strategic basis for the provision of aggregates in the region for the period until 2021, with allocations of future primary aggregate provision for each constituent Mineral Planning Authority area, so providing a clear steer for the emerging Local Development Plans.

2.87 The traditional 'predict and provide' process of determining how much aggregate is being sold and then providing sufficient reserves to meet the demand has been replaced by a more sustainable approach. This determines what is happening now and whether or not existing patterns of supply need to change based on

- (a) the population of the area
- (b) the reserves of the area
- (c) the environmental capacity of the area
- (d) the natural resources of the area, and
- (e) the proximity principle.

2.88 The first review of the RTS contains recommendations for each mineral planning authority on apportionment, provides a regional assessment of aggregates demand and supply, and is a basis for aggregates policies in LDPs.

2.89 Key findings of the South Wales Regional Aggregates Working Party (SWRAWP) Regional Technical Statement (RTS) 1<sup>st</sup> Review 2014 of relevance to Powys are contained in appendix B:

### ***Apportionment for the future provision of land-won primary aggregates***

The planning authority is required to make future provision for land-won primary aggregates within its Local Development Plan on the basis of the following annualised apportionments:

- o Land-won sand & gravel provision: Nil
- o Crushed rock aggregates provision: 2.51 million tonnes per year until the end of the Plan period and for 10 years thereafter.

These figures are based on the assumption that average annual demand for land-won primary aggregates within the area, over the period to 2036, will be comparable to the average annual sales over the baseline period used in the First Review of the RTS (i.e 2001 to 2010).

They are also based on the assumption that supplies of alternative aggregates, from marine, secondary and recycled sources, will continue to be maintained in proportions comparable to those experienced during the baseline period.

The accuracy of these assumptions will continue to need to be monitored by the planning authority, using information from various data sources and new surveys (e.g. by NRW, WG etc.) and that data will be used to inform a revision of the apportionment requirements, if this is needed, as part of the next review of the RTS.

It should be emphasised that the annualised apportionments noted above are given only as a guide to the calculation of the total apportionment required over the duration of the LDP. In practice, sales will vary from year to year and there is no requirement for the authority to maintain or limit these in line with either the annualised apportionment or the historical sales averages.

The need for provision to extend beyond the Plan period is based on the requirement in MTAN1 for maintaining landbanks of 7 years for sand & gravel and 10 years for crushed rock, throughout the full duration of the LDP. Subject to this requirement being met, the overall provision at any given time may comprise both landbanks of permitted reserves and allocations for future working, where these are required (see below).

### ***Comparison with existing landbanks***

The total apportionments for Powys, as calculated in Table 5.1 of the main document, over the 25-year horizon covered by the First Review of the RTS are zero for land-won sand & gravel and 62.75 million tonnes for crushed rock. These compare with existing landbanks (excluding dormant sites) of 0.03 million tonnes for sand & gravel (jointly with Neath Port Talbot) and 119 million tonnes for crushed rock (as at 31 December 2010).

### ***Allocations required to be identified in the Local Development Plan***

In view of the large surplus of existing permitted crushed rock reserves, no further allocations for crushed rock are required to be identified within the LDP. However,

consideration should also be given to whether any of the factors set out in paragraph B75 above give rise to any other requirements for resource allocations.

As far as possible, any allocations should be identified as Specific Sites or, failing that, as Preferred Areas. If, as a last resort, it is only possible to identify broad Areas of Search, these should be sufficient to offer the potential of much greater quantities of reserves, in order to reflect the uncertainties involved.

### ***Treatment of Dormant sites***

One dormant igneous rock quarry exists within Powys, as detailed in Table B5, above. The planning authority should assess the likelihood of this site being worked within the Plan period, subject to the completion of an initial review of planning conditions and submission of an Environmental Impact Assessment. If there is a likelihood of reactivation, and if the site is considered by the authority to conform to the definition of 'Specific Sites', as set out in paragraph 14 of Minerals Planning Policy Wales, it may be offset against any requirements that may otherwise be identified for allocations for future working.

### ***Use of alternative aggregates***

Powys is not thought to be a significant user of marine-dredged aggregates, in view of its considerable distance from relevant ports and wharves. Sources of secondary aggregate within the County are thought to be scarce or absent and, in view of the remote and rural nature of much of the County, there is likely to be only a limited degree of recycled aggregate production from construction, demolition and excavation wastes. Nevertheless, the residual requirements for primary land-won aggregates assume that alternative materials will continue to be utilised to at least the same extent as in the past, and the authority should continue to encourage this

### ***Safeguarding of primary aggregate resources***

Resources of both crushed rock aggregates and land-based sand & gravel should be safeguarded within the LDP in accordance with the British Geological Survey's safeguarding maps, or such other geological information as may be available and suitable for this purpose.

### ***Safeguarding of wharves and railheads***

All existing and potential new railheads should be identified for safeguarding within the LDP, in order to provide a full range of sustainable transport options (whether or not they are currently utilised).

**2.90 South Wales Regional Aggregate Working Party Annual Reports** provide collated figures on sales of crushed rock by end use, sales of crushed rock aggregates and reserves remaining, sales of sand and gravel (land won), sales of sand and gravel by end use. The collated information is a major contributor to the ongoing study of aggregate supply and demand patterns and informs the Assembly's supply and demand policy for aggregates enshrined in MTAN1. They also provide statistics to inform MPAs to assist in ensuring mineral policies in LDPs are sound. The latest Annual Report (2008) provides the most recent statistics available.

2.91 This Topic Paper does not contain any statistics on production, nor any information on reserves figures for mineral sites in Powys. Information on aggregates sales and reserves is provided by operators annually through the completion of Annual Survey Forms distributed by the South Wales Regional Aggregates Working Parties (SWRAWP).

2.92 This information has always been provided in confidence, on the understanding that the statistics will not be presented in such a way as to reveal the figures for individual sites (either directly, or in such a way that would enable them to be teased out). The information provided is then collated by the SWRAWP and presented in the SWRAWP annual reports.

**Table 4 – taken from Annual Monitoring Return – SWRAWP 2013. Latest published (December 2014).**

<b>Crushed Rock Reserves and Landbanks by Mineral Planning Authority (million tonnes) based on 3 year average sales 2011-2013</b>				
Region	Mineral Planning Authority	Crushed Rock Reserve 2013	Average Annual Sales 2011-2013	Landbank (years) based on 3 year sales average
Powys (inc Brecon Beacons)	Powys	216.68	2.88	63
	Brecon Beacons NP			N/A
<b>Crushed Rock Reserves and Landbanks by Mineral Planning Authority (million tonnes) based on 10 year average sales 2004-2013</b>				
Region	Mineral Planning Authority	Crushed Rock Reserve 2013	Average Annual Sales 2004-2013	Landbank (years) based on 10 year sales average
Powys (inc Brecon Beacons)	Powys	216.68	2.94	64
	Brecon Beacons NP			N/A
<b>Land Won Sand &amp; Gravel Reserves and Landbanks by Mineral Planning Authority (million tonnes) based on 3 year average sales 2011-2013</b>				
Region	Mineral Planning Authority	Sand & Gravel Reserve 2013	Average Annual Production	Landbank (years) based on 10 year

			2011-2013	sales average
Powys (inc Brecon Beacons)	Powys	4.34	0.27	208
South West Wales	Carmarthenshire			204
	Ceredigion			12
	Pembrokeshire			0
	Pembrokeshire Coast NP			N/A
<b>Land Won Sand &amp; Gravel Reserves and Landbanks by Mineral Planning Authority (million tonnes) based on 10 year average sales 2004-2013</b>				
Region	Mineral Planning Authority	Sand & Gravel Reserve 2013	Average Annual Sales 2004-2013	Landbank (years) based on 10 year sales average
Powys (inc Brecon Beacons)	Powys	4.34	0.25	1,333
South West Wales	Carmarthenshire			114
	Ceredigion			15
	Pembrokeshire			0
	Pembrokeshire Coast NP			N/A

2.93 Care must be exercised in relying on the landbank figures for Powys and Carmarthenshire as these are based on very small annual sales from relatively small sites.

## 2.94 Local Strategy & Policy Context

2.95 The Powys Local Development Plan will need to be consistent and integrated with other plans and strategies which have been prepared for the County, the most significant of which are detailed in this section.

2.96 **Powys One Plan** (2014). presents our priorities for improvement, these are:

- Integrated health and adult social care
- Children and young people
- Transforming learning and skills
- Stronger, safer and economically viable communities
- Financially balanced and fit for purpose public services

2.97 The plan will influence the work of the LSB until at least 2017 and will ensure that by working together the wellbeing of Powys citizens will be improved. The plan will be reviewed annually, ensuring we continue to work towards the most important issues for Powys citizens.

2.98 Although the Powys One Plan does not specifically discuss the issue of minerals or quarrying the strategy is nevertheless relevant to minerals planning.

2.99 The Powys Regeneration Strategy 2011 is seen as fundamental in providing an understanding of Powys' economic landscape and providing a vision for the future.

### 3. 'Change Drivers'

3.1 The following section considers the **implications of 'drivers of change'** that are apparent at the moment and have implications for the Local Development Plan. These may be added to through consultation.

**3.2 The global shift towards sustainable development** is probably the biggest single driver for change in the minerals sector and many of the other drivers stem directly or indirectly from this. The concept of sustainable development has firmly taken hold, both in relation to how developments are controlled and also, crucially in the thinking and approach of the major players in the quarrying industry. Today however, the industry is both highly regulated, and highly self-regulated. Both globally and nationally there have been considerable changes in recent years.

3.3 In the UK the major trade organisation for the quarrying industry, the Quarry Products Association (QPA) places considerable emphasis on the environmental performance of its members, issuing awards annually for restoration and aftercare. Critics may argue that the industry is only acting in its own self-interest, but whether this is true or not the reality is that the industry has changed and is likely to move further in the direction of sustainability and improved environmental performance as part of, and in response to the global shift towards sustainable development.

3.4 In this respect it should be noted that the performance of independent individual owner operators is still likely to continue to reflect their own particular stance on the environment and sustainability issues.

3.5 On the face of it **the future of marine dredging** may not appear relevant to Powys. However, marine aggregates provide 85% of the sand and gravel to South Wales, so any threat to the continued supply of marine aggregates will directly and significantly increase the demand for sand and gravel from land-won sources within and potentially beyond the South Wales area, which could theoretically include those in Powys, either directly, or indirectly through a knock-on effect.

3.6 It should be noted therefore that although the supply of marine aggregates is secure in the short to intermediate term, the long term availability of marine dredged aggregates is not guaranteed as it is the policy of WAG to review the Interim Aggregates Dredging Policy (IMADP) every five years to consider whether any

significant change in the understanding of the natural processes or the impacts of dredging within the (IMADP) area would render this source unsustainable.

**3.7 Climate change** is one of the major drivers behind the growing global acceptance and adoption of the principle of sustainable development. If the economic cost of combating climate change results in a prolonged period of recession, demand for aggregates (the raw materials for construction) is likely to be less than would otherwise be the case.

3.8 However, climate change could also lead to a prolonged surge in demand for minerals for use in combating the rising sea levels, and if a Severn Barrage were ever to be built, there would be an enormous (albeit temporary) increase in the demand for construction materials from Wales and the South West of England to construct it.

3.9 A number of other indirect changes could have an impact on quarrying. For example, changes in building designs to reduce their global footprint may result in a shift in the materials used for construction, so affecting the demand for quarry products, and changes to rainfall patterns could impact on the depth to which quarries can reach before hitting the watertable.

**3.10 Increasing Fuel Prices / Peak Oil / Energy Security** may change the priority placed on the distance minerals are transported. Mineral operations may become more or less viable.

3.11 From 2009 the UK has experienced a **recession** after an extended period of continuous economic growth and its effects have been felt throughout the whole economy, not least in the demand for minerals products.

3.12 Other future drivers for change affecting the quarrying industry will include government legislation and advice (recent trends would suggest this will become progressively stricter), and a range of economic factors, including any changes to taxation, insurance premiums, and finance of/investment in the industry.

**3.13 Unconventional Gas. (Coalbed methane / fracking)** has emerged as an mineral planning issue. Deans reports Welsh Government Planning Minister Carl Sargeant has said he will issue a moratorium on fracking. Mr Sargeant said: "I will now be... stopping any local planning authority approving any planning application for fracking."

Deans. D (2015) Is this the end of fracking in Wales? Welsh Government moves to impose a 'moratorium' on all of the planning bids. Available at: <http://www.walesonline.co.uk/news/wales-news/end-fracking-wales-welsh-government-8638802> (Accessed: 26/02/2015).

3.14 Since the report The Town and Country Planning (Notification) (Unconventional Oil and Gas) (Wales) Direction 2015 has been made. <http://gov.wales/topics/planning/policy/dear-cpo-letters/unconventional-oil-and-gas/?lang=en>

## 4. Analysis

4.1 Mineral Planning Policy Wales sets five key principles for minerals development which together fulfil the objective of providing a sustainable pattern of mineral extraction. It is interesting that these broadly fall into two areas, ensuring supply and mitigating the impact of minerals operations.

4.2 There are links between this topic and the environment topic. There are also some general amenity issues. Where possible it is considered that the section should avoid the duplication of detailed environmental and/ or amenity policies which would apply to all forms of development, nevertheless they are identified as being of relevance to this issue.

4.3 Table 3 below identifies the key areas for further investigation arising from reviewing the contextual documents.

Table 5: Key issues and the proposed response.

<b>Strategic Issues</b>	<b>Proposed response of LDP</b>
Ensuring Powys' contribution to the regional aggregates supply.	Plan includes a landbank in excess of 25 years supply.
Ensuring sustainable management of the Coal resource.	Plan safeguards all category one and 2 Coal Resources
The implications of identifying 'Specific Sites', 'Preferred Areas', 'Areas of Search', or 'Sites for 'Safeguarding' on other forms of development in Powys.	Safeguarding in accordance with the Aggregates Safeguarding Maps of Wales. Policy DM1 (See appendix 2) - All of Category 1 & 2 are safeguarded.
Striking an appropriate approach to facilitating rural economic development whilst ensuring sustainable patterns of supply.	Plan responds to the RTS. Prohibition order being considered.
<b>Plan Objectives</b>	
To ensure that Powys contributes towards society's needs for minerals now and into the future, whilst respecting the communities hosting the operations and the rich natural and built environment.	LDP includes Objective 12 – Resources 'To facilitate the sustainable management of Powys' natural and environmental resources whilst enabling development to take place including the contribution of 2.51 million tonnes of crushed rock aggregates to the South Wales supply per year'.

<b>Areas for detailed policies &amp; proposals</b>	
Exceptional need for minerals extensions and new workings in Powys.	Policy M1, M2 & M3 See Appendix 2.
Coal extraction.	Policy M1, M2 & M3 See Appendix 2.
Restoration and aftercare.	Policy DM3 – POSW guidance
The identification of Buffer Zones for Powys' minerals sites and a policy.	See Appendix 1 & DM1 & DM2 (Appendix 2)
Amenity and minimising the impact of operations.	See Appendix 2. Policy DM1 – 3, National Policy & POSW guidance.
Respecting the Built & Natural Environment.	See Appendix 2. Policy DM1 – 3, National Policy & POSW guidance.
The efficient and appropriate use of minerals and supporting the re-use and recycling of suitable materials in Powys.	Policy M1 Criterion 2 (Appendix 2)
Review of conditions.	See Appendix 1
Supporting the manufacture of downstream products.	Policy M1 Criterion 2 (Appendix 2)
Waste fines.	Policy M1 Criterion 2 (Appendix 2)
Safeguarding of wharves and railheads.	Transport topic paper (para. 2.16). The LDP responds to this in para 7.3.13 explains proposals that benefit rail passenger operations or activities and proposals that support rail freight opportunities will also be encouraged.
Consideration of dormant sites.	No consideration as to the potential of the dormant site's (Garreg's) contribution to the landbank (para B75) has been given because of the large surplus of existing permitted crushed rock reserves without contribution from the dormant site. Work on a prohibition order for Pen-y-Parc (Berwyn Granite) is being progressed.
<b>Monitoring / Issues</b>	
Number, type and location of application.	Development Management Information. Regional Aggregate Working Party Annual Returns.
Progress towards eliminating historically obsolete & long dormant sites.	Annual update. Regional Aggregate Working Party Annual Returns. To review the likelihood of future extraction from long time inactive reserves identified in table (appendix

	1) annually. *Plan contributes to meeting this target. Other non-planning factors influence whether it will be met.
Details of development on safeguarded land.	Development Management Information. Reported annually.
That no incompatible development is approved in the buffer zones identified on the proposals maps.	Development Management Information. Reported annually.

**Appendix 1.**

**Table of sites - Mineral Planning Authority Powys**

Site Name	Mineral Type	Mineral Extraction Ends	ROMP Review Date	Buffer Zone
Cribarth	Sandstone	20 May 2023	NA	200m
Gore	Sandstone	21 Feb 2042	31 Mar 2024	200m
Dolyhir/Strinds	Sandstone/Limestone	21 Feb 2042	20 Mar 2027	200m
Tan y Foel	Sandstone	31 Dec 2063	16 Sep 2028	200m
Tredomen	Sandstone	30 Sept 2026		200m
Rhayader	Sandstone	21 Feb 2042	29 Nov 2029	200m
Criggion	Igneous	21 Feb 2042	31 Jan 2027	200m
Llanelwedd	Igneous	21 Feb 2042		200m
Little Wernwilla	Sandstone	02 Dec 2018	NA	200m
Buttington Brickworks	Sandstone	22 Feb 2042	19 Apr 2026	200m
Middletown	Igneous	21 Feb 2042	22 Aug 2030	200m
Berwin Granite	Igneous	21 Feb 2042	Prohibition order progressing	200m
Garreg	Igneous	21 Feb 2042		200m
Caerfagu	Sand & Gravel	21 Feb 2042	20 June 2013	100m
Nant Helen Extension	Coal	31 Dec 2018	NA	500m

Red are missed ROMPs

Yellow are Dormant

Green are applications submitted and under consideration

## Appendix 2.

### Policy – Considering reps

#### *Policy*

#### *Policy M1 – Existing Minerals Sites*

1. Extensions (working area, depth and duration) to existing Minerals / Coal sites (Table M1) will be permitted where they would:
  - i) In the case of non-energy minerals help to maintain the required rate of supply; or
  - ii) In the case of non-energy minerals address a shortage of high quality material that is of limited availability nationally; or
  - iii) For all minerals - bring clear environmental benefits without significant increase in supply.
2. Proposals that enable a higher proportion of secondary aggregate or recycled material to substitute for the consumption of primary aggregates will be supported on existing sites.

#### *Policy M2 – New Minerals Sites*

No new sites for the winning of hard rock, sand and gravel, ~~or coal~~ will be permitted in addition to those sites as shown on the proposals map and in Table M1 above unless:

1. Very small workings for locally distinct stone or sand and gravel for local markets may be permitted.
2. They are for Coal and remove a mining legacy, prepare land for future development and demonstrate employment and economic benefits.
3. They are a Borrow Pit under Policy M3 below.

#### *Policy M3 – Borrow Pits*

Temporary mineral workings to supply a particular construction project, remote from an authorised quarry, will be permitted where they meet the requirements set out in National Policy / guidance.

#### *Policy DMI - Strategic Planning Matters*

All proposals for development must not compromise, or unacceptably adversely affect, either on their own or in combination with existing or approved development, the following:

13. The sterilisation of minerals in a safeguarded area unless:
  - i. The development is temporary and restoration to enable future extraction of the mineral is agreed; or
  - ii. Minerals are not of commercial interest within the following radii of a proposed development:
    - a. 100m (sand and gravel);
    - b. 200m (hard rock);
    - c. 500m (Coal); or

- iii. **The development is of a very minor nature such as extensions to dwellings.**
- iv. **There is an overriding need in the public interest for the development.**

#### **Policy DM2 – Detailed and Site Specific Planning Matters**

*In addition to the requirements set out in National Guidance, all proposals for development will be permitted where they comply with the following:*

- 12. **Unless justified by detailed analysis,** sensitive development must not be located within the buffer zones of the following operations:
  - i. **Hard rock - 200m.**
  - ii. **Coal sites - 500m.**
  - iii. **Sand and gravel - 100m.**
  - iv. **Hazardous installations.**

#### **Policy DM3 – Planning Obligations**

*Planning obligations will be sought by agreement with applicants, where necessary, to ensure that:*

- 1. *The development provides for adequate infrastructure necessary to serve the proposal, and that satisfactory maintenance **and or restoration** arrangements are achieved;*
- 2. *Benefits in the public interest are secured where these are relevant and reasonably related to the proposal, and required to enable it to proceed.*

### *Appendix 3.*

Coal Safeguarding and areas where Coal working is unacceptable.

4.11.7 The main coal resource in the planning area is in the Upper Swansea Valley around Ystradgynlais. All primary and secondary Coal resources are safeguarded in the area outside built up areas.

After considering the extent of settlements in the area and the proximity of the Brecon Beacons National Park, three areas of potential are apparent.

The first is an existing opencast site, Nant Helen, where extensions would be considered in accordance with Policy M1, DM1, DM2 and DM3.

The second area lies around, the now restored, Brynhenllys opencast site. A tip (Tir Canol) and the Palleg Golf course sit on the remaining primary resource identified on the British Geological Survey mapping.

The third area, of predominantly secondary resource, is around the Varteg where the topography is an issue because the resource straddles high ground between Ystradgynlais and Seven Sisters.

A small area of tertiary Coal lies near Coedway in Montgomeryshire.

Given this situation it is considered unnecessary to identify areas in which Coal working will not be acceptable in the planning area. That which is accessible and commercially viable has been, or is in the process or being won.



